

CITY OF NEWBERG CITY COUNCIL MINUTES
JULY 20, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET

Work Session was held prior to the meeting. A general discussion occurred. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Bob Larson
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
	Howard Hamilton, Public Works Director	Jennifer Nelson, Recording Secretary

Others

Present: Geoff Godfrey and Joanne Wiitala

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reminded everyone the Old Fashioned Festival would be held this weekend and discussed meeting places and times for the parade. He also noted the hearing with the Department of Land Conservation and Development (DLCD) will be held tomorrow on Newberg's Urban Reserve Area (URA); several will be attending to give visible support.

V. COUNCIL APPOINTMENT

Consider a motion appointing Geoff Godfrey to the Library Board for a term expiring on June 30, 2013.

Mr. Geoff Godfrey offered a little background information about himself for the Council.

MOTION: Andrews/Rierson to appoint Geoff Godfrey to the Library Board for a term expiring on June 30, 2013. (7 Yes/0 No) Motion carried.

VI. PUBLIC COMMENTS

Ms. Joanne Wiitala, Newberg Animal Shelter Friends, stated the NASF will be sponsoring a booth at Old Fashioned Festival, selling and raffling items to support the new building. They are hoping to break

ground on the new animal shelter in September and the last major fundraiser will be Viva Dog Vegas event on September 26, 2009. The current building fund is approximately \$450K (see official meeting packet for full report).

VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2009-2857** establishing the Affordable Housing Action Committee.
2. Consider a motion approving **City Council Minutes** for June 15, 2009.

MOTION: Rierson/Larson to approve the Consent Calendar including **Resolution No. 2009-2857** and the City Council Minutes for June 15, 2009 as amended. (7 Yes/0 No) Motion carried.

VIII. PUBLIC HEARING

Consider a motion approving **Order No. 2009-0022** extending a non-conforming use on property located at 2004 East Mountainview Drive.

TIME – 7:10 PM

Mayor Andrews called for any abstentions, biases, conflicts of interest, or ex parte contact. None were stated.

Mr. Terrence Mahr, City Attorney, gave the required legal statements of procedure for quasi-judicial hearings

Mr. Barton Brierley, Planning and Building Director, presented the staff report (see official meeting packet for full report).

Councilor Marc Shelton asked if any neighbors made any requests or complaints about the equipment on the property. Staff was not aware of any complaints from neighbors.

Councilor Bart Rierson asked if the property owner was in the construction business or if they were just providing storage for someone else in the business. Staff believed the owner was in the construction business and the equipment had been there for years before the annexation. Councilor Rierson agreed it would be beneficial to make adjustments to bring the property up to city standards and liked the idea of giving it a time limit.

Councilor Bob Larson said he only disagreed slightly with the suggested time frame and felt the property owners should be given eighteen months instead of twelve, giving them until the end of the year of 2010 to regroup, make money, find storage for the equipment, and clean-up. He sighted the property owners' letter and concerns for the current economic situation as creating undue hardships and more time would probably be more helpful.

Councilor Wade Witherspoon said he agreed with extending the time period.

Mayor Andrews asked if there were any other adjacent properties that have indicated any plans for development at this time. Staff said they were not that aware of intentions to develop on the adjacent properties at this time.

Councilor Stephen McKinney asked if they were currently connected to the city water and sewer system. Staff replied they are connected to city water and the plan was to connect them to city sewer in conjunction with the development to the north; that would be the most cost effective to bring sewer lines through at the same time. Staff also added the other properties in this area are all a bit chaotic, just not as much as this particular property; it is still a very rural area with an aging subdivision so there are not well-manicured lawns and paved driveways.

Mayor Andrews opened public testimony and closed public testimony. No citizens appeared to testify. Staff recommended adopting the order with or without the suggested time frame depending on the Council's preference.

Mr. Mahr stated he had contacted the applicant and they have agreed to waive their right to submit further written testimony; so the Council may proceed with deliberations.

Mayor Andrews closed the public hearing.

MOTION: Larson/Rierson to approve **Order No. 2009-0022** extending a non-conforming use on property located at 2004 East Mountainview Drive until December 31, 2010.

Councilor Shelton said he noticed the area is industrial and the area that would be new the development is separated and isolated, so if there are no complaints from the neighbors thus far, he is in favor of extending the time frame as an offering of good faith on the part of the City when they only requested six to twelve months.

Councilor Rierson also felt this seemed to make sense but he was concerned they have not had formal equipment storage in the past and that they have not had any work this year. He is concerned if they do not have work in the future, they will not be able to afford storage facilities, and that the equipment will come back to the property. He liked offering the extension but also wanted to be clear that the City does not want the equipment to come back after that.

Councilor McKinney said his only concern with extending the time to eighteen months was the unsightly nature of the lot, especially in such close proximity to The Allison. He felt extending the time frame would mean they could take longer cleaning the property up and he felt there needed to be some real efforts to get the clean-up done sooner.

Mayor Andrews noted that they stated in their letter that they will continue cleaning it up and asked if it was staff's suggestion to them to request the six to twelve month extension. Staff said they told them they could request the extension but no particular time period was discussed.

Councilor Larson did not feel the property owners would wait until the last minute since they are already working on it; he felt they would work on it as soon as they are financially able to.

Councilor McKinney argued that shorter period of time would assure more activity on their part to bring it into a more tidy state and they only asked for six to twelve months. He did not feel the City should extend that to eighteen months without some sort of plan for how they are going to improve the property.

Councilor Witherspoon mentioned they have already made good faith efforts to clean-up and the staff said they have made great progress even if there is a long way to go. He also added they did go through the proper channels and they did ask nicely so that is enough reason for him to agree to give them time.

Councilor Larson added the change in zoning to R-2 is what caused them to have to move all the equipment off their land and leasing property to store it will take time to come up with the money to do that; this is why he is in favor of more time.

Councilor Shelton also pointed out there are other areas that have just recently been annexed that look rough as well and the City has not done anything with them. He felt it would be a matter of balancing some issues for the property owners and the City could extend a hand in good faith and he felt it would get cleaned sooner than the eighteen months.

Councilor Denise Bacon mentioned that when you own your own business, your equipment is very valuable and there are risks to storing it elsewhere. She also has a hard time telling people what to do with their property and although The Allison is coming there; they were there first.

Mayor Andrews asked staff if the applicant would come in at the end of the original twelve month extension to ask for another one. Staff replied they would not be able to request another extension. Mayor Andrews said he empathized with the idea of storing the equipment elsewhere since it becomes vulnerable to vandalism and theft.

VOTE: To approve **Order No. 2009-0022** extending a non-conforming use on property located at 2004 East Mountainview Drive until December 31, 2010. (7 Yes/0 No) Motion carried.

IX. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2009-2859** settling the Verizon franchise fee audit for \$61,116.00.

TIME – 7:39 PM

Mr. Mahr presented the staff report (see official meeting packet for full report).

Councilor McKinney asked what the \$61K was for. Staff explained it was money that would have been paid during past years that should have been included in the gross income to compensate the City for any costs involved with utility poles or underground cable in the right-of-way.

MOTION: Shelton/Larson to approve **Resolution No. 2009-2859** settling the Verizon franchise fee audit for \$61,116.00. (7 Yes/0 No) Motion carried.

2. Consider a motion approving **Resolution No. 2009-2860** authorizing the City Manager to enter into negotiations with GVS Contracting Inc. for a change order to the existing contract for the construction of the Columbia Drive LID project.

TIME – 7:48 PM

Mr. Howard Hamilton, Public Works Director, presented the staff report (see official meeting packet for full report).

MOTION: Larson/Witherspoon to approve **Resolution No. 2009-2860** authorizing the City Manager to enter into negotiations with GVS Contracting Inc. for a change order to the existing contract for the construction of the Columbia Drive LID project. (7 Yes/0 No) Motion carried.

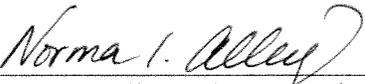
X. COUNCIL BUSINESS

None.

XI. ADJOURNMENT

The meeting adjourned at 7:52 PM.

ADOPTED by the Newberg City Council this 17th day of August, 2009.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 20th day of August, 2009.



Bob Andrews, Mayor